Faculty: The purpose of this information is to educate you of the law, implications of ADA/504 for post-secondary education and to give you an overview of the function of the Disability Services and Resource office.

Legal Issues related to Individuals with Disabilities and Post-Secondary Education


According to federal law, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a public entity.

"Qualified" with respect to postsecondary educational services, means "a person who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services."

"Person with a disability" means "any person who (1) has a physical or mental impairment which substantially limits one or more major life activities [including walking, seeing, hearing, speaking, breathing, learning, and working], (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Disabilities covered by legislation include (but are not limited to) AIDS, cancer, cerebral palsy, diabetes, epilepsy, head injuries, hearing impairments, specific learning disabilities, loss of limbs, multiple sclerosis, muscular dystrophy, psychiatric disorders, speech impairments, spinal cord injuries, and vision impairments.

How does the ADA affect postsecondary schools?
What are the differences between the ADA and Section 504?
What do postsecondary programs generally have to do for students with disabilities?
What kinds of aids and services must postsecondary institutions provide to insure effective communication?
How would postsecondary programs modify their policies, practices or procedures to make programs accessible?
Are schools required to make testing accommodations for students with disabilities?
What is the purpose of testing accommodations?
Responses at:
https://www.pacer.org/publications/adaqa/504.asp?gclid=CMSCjtCu1LUCFap_Qgod9zoAng
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Source: Pacer Center: Champion for Children w/ Disabilities.

Q. What is the function of the Disability Services and Resource Office at Glendale Community College?

Disability Services and Resources (DSR) provides services to students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. Students must self identify to the DSR office and provide required documentation of their disability. Reasonable accommodations can be provided to qualified students on an individual basis, after a review of supporting documentation, course selection and individual assessment. DSR staff also provides academic advisement for newly enrolled students and continuing students who may need extra support. DSR provides ongoing opportunities for individuals and groups to obtain support services that promote the students' independence and advocacy skills.

Q. Are students required to disclose their disabilities or provide copies of disability documentation to faculty?
A. Students are not required to divulge the nature of their disabilities or provide faculty copies of their disability documentation. Students requesting accommodations are only required to provide an Accommodation Provision Agreement (APA) letter from the DSR office that they have a documented disability on file.

Q. How will I know if a student in my classroom has a disability?

A. It is each student's responsibility to self-identify. If a student does not self-identify, you are not required to make any accommodations, and cannot be held liable for discriminatory behaviors. It is not appropriate to come out and ask if a student has a disability. A suggested way to open conversation would be to include in your syllabus an open invitation for all students to discuss particular learning needs.

Q. What if I suspect a student has a learning disability and needs support?

If the student approaches you seeking assistance or you notice the student is struggling academically, you could use the following open ended questions to generate understanding of how the student learns.

These types of questions may lead students to self-disclose a disability and then you may use that opportunity to refer to the DSR office, if the student is seeking accommodations. Other resources to suggest may include Writing Center, Center for Learning, Math Solutions and Career and Counseling Center.

- Is there anything else that I need to know about you and what you need to maximize your learning?
- What type of resources do you need to be a successful student?
- How do you know when you are not managing your schedule well or meeting your academic responsibilities?
- What type of strategies work for you?
- What do you need to perform at your best in class, in a testing situation, and outside of the classroom?

Q. When a student discloses as having a disability, what should I do?

A. Interaction with students with disabilities is similar to any other student. However, be aware that when students self-identify as having disabilities, it is frequently because they will require an accommodation and not all students with disabilities are at ease with this process. Listen to what they have to say and ask questions only about how and if the disability will impact them in the class and about the accommodations they may be requesting.

Students requesting disability accommodations who have not already done so should be informed and referred directly to the DSR office in order to establish their eligibility for disability accommodation.

Q. What accommodations are required if a student discloses a disability after-the-fact (e.g., after failing an exam)?

A. Consistency in standards for all students is the guide for response to such requests. If exceptions are not made for other students after-the-fact, none are required for students with disabilities. However, if exceptions are made for other students, requests such as this must be considered.

Q. When a student does approach me, how do I know what the student is entitled to?

A. Any student seeking accommodations within the classroom must meet with a DSR advisor in order to discuss disability and limitations. Once a review of supporting documentation has been completed and a student is approved for accommodations, the student then will receive an Accommodation Provision Agreement (APA) letter for each instructor that spells out the approved accommodations. If the student doesn’t provide an accommodation letter, chances are he/she has not met with a DSR advisor and a file has not been established or the student has not followed through with procedures in requesting the APA letter. Anything the student asks for beyond the accommodation letter has not been determined or authorized by DSR. Direct your questions to a DSR advisor for advice and recommendations.
Q. Who is responsible for providing services to students diagnosed with a disability?

A. The instructor of any given class is responsible for providing accommodations to the student. Instructors who are not able to provide testing accommodations in the classroom may refer students to Testing Services, Math Solutions or to DSR. Students only needing extended time should take their exams in Testing Services. No appointment is necessary. Testing in DSR is for students who require the use of assistive technology or other types of accommodations during their exams. Appointments are required.

Q. What if a student requests lecture notes or to audio tape classroom lectures?

A. This accommodation is generally approved for students with disabilities whose ability to listen and take notes is limited. When the student meets with the instructor to turn in the APA letter, this is the time for the student and instructor to discuss how best the student can receive the information presented during lectures.

The first option is for the instructor to provide a copy of lecture notes or an outline of the lecture before or after the class. If the lecture is presented via a PowerPoint presentation, then the instructor could make this available to the student prior to class so the student can print off the note taking format to bring to class.

Another option is for the student to audio tape the lecture. Several factors may determine if the audio recording of a lecture is appropriate the class. This may include the nature of the class discussions, and the acoustical setting. The student should request permission from the instructor prior to recording lectures.

In the event that audio recording is the best mode of obtaining the lecture information for the student, the use of the accommodation of audio recording class lectures is subject to the following conditions:

1. Audio recording of class lectures are only for the student's personal use in study and preparation related to the class.
2. The student may not share these audio recording with any other person, whether or not that person is in his/her class.
3. The student acknowledges that the audio recordings are sources, the use of which in any academic work is governed by rules of academic conduct for his or her School or College.
4. The student signs an agreement abiding by the provisions stated above and the form is placed in the DSR student folder or given to the instructor.

Lastly, the student may request to have a note taker in class. The note taker is another student in class who has volunteered to give the student in need a copy of his/her lecture notes. At this time, DSR pays the note taker at $25.00 per credit hour for the semester. We ask that the instructor make an announcement in class for volunteers. Ideal note takers should be a student with at least one semester of college, have a GPA of 2.0 and above, legible handwriting, and make a commitment to attend class and provide notes.

Interested note takers should meet with the instructor and the student requesting the accommodation after class to obtain note taker packet or be given instructions to go to DSR to obtain the packet.

Students requesting lecture note assistance, are expected to attend class and make every effort to engage with class by taking own notes to the best of his/her ability.

Q. What other resources are there for faculty to learn more about teaching students with disabilities?

A. The following websites provide instructors with teaching tips and strategies for working with students with various types of disabilities.

How to create classroom environment and activities to maximize learning of all students:
University of Washington: D0-IT (Disabilities, Opportunity, Internetworking, & Technology)
http://www.washington.edu/doit/

The Faculty Room: http://www.washington.edu/doit/Faculty/

Teaching Students with Disabilities Guide: Yale University Resource Office on Disabilities
http://yalecollege.yale.edu/content/teaching-students-disabilities-guide

Deaf & Hard of Hearing Resource:  http://www.pepnet.org/